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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/452,691 12/02/99 BAILEY

F TI-27935

023494 MM92/0601  
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EXAMINER

FENTY, J

ART UNIT PAPER NUMBER

2815

DATE MAILED: 06/01/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/452,691	BAILEY ET AL.
	Examiner Jesse A Fenty 	Art Unit 2815

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 16 March 2001.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-16 is/are pending in the application.

4a) Of the above claim(s) 9-16 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-8 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

15) Notice of References Cited (PTO-892)

16) Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.

18) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

19) Notice of Informal Patent Application (PTO-152)

20) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group II, claims 1-8 in Paper No. 5 is acknowledged.
2. Claims 9-16 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 5.

### ***Title***

3. The title of the invention is not descriptive and contains method language. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1, 2, 6 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Saia et al. (U.S. Patent No. 5,874,770).

In re claim 1, Saia (Figs. 5, 12) discloses an integrated circuit comprising:

A lower metal interconnect layer (22) located over a semiconductor body;  
A multi-level dielectric layer (10, 40, 54) located over said lower interconnect layer;  
An upper metal interconnect layer (21) located over said multi-level dielectric layer; and  
A thin-film resistor (16, 18) located within said multi-level dielectric layer between said lower metal interconnect layer and said upper metal interconnect layer.

In re claim 2, Saia discloses the device of claim 1, further comprising:

A first plurality of conductively filled vias (47) extending from said upper metal interconnect layer to said lower interconnect layer; and

A second plurality of conductively filled vias (34) extending from said upper metal layer to said thin film resistor.

In re claim 6, Saia discloses the device of claim 1, wherein said thin film resistor structure comprises TaN.

In re claim 7, Saia discloses the device of claim 1, wherein said thin film resistor structure comprises SiCr.

#### *Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saia et al. (as above).

In re claim 3, Saia discloses the device of claim 1, wherein said thin film resistor comprises a top plate which can be used as a hard mask (MacElwee; column 7, lines 48-51). Although MacElwee cites using polysilicon as electrode material, it is well known to those skilled in this art that polysilicon and metal electrodes (in this case, copper) are interchangeable in the art and it would have been obvious for one skilled in the art at the time of the invention to choose select an appropriate conductive layer for a given device based on that knowledge.

8. Claims 4, 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saia et al. as applied to claim 1 above, and further in view of Linn et al. (U.S. Patent No. 5,547,896).

In re claims 4 and 5, Saia discloses the device of claim 3, wherein the resistor comprises chromium silicide (column 5, line 9) with a masking layer but does not expressly disclose a "hard mask" layer comprising TiW or TiN. Linn et al. (Figs. 1a-3b) discloses an electrode of the same material overlaid by a TiW or TiN "hard mask." It would have been obvious to one skilled in the art at the time of the invention to use a hard mask as taught by Linn to overlay the chromium electrode of Saia for the purpose, for example, of cleanly etching a chromium alloy resistor such that residual contaminants will not compromise the integrity of the chromium resistor (Linn; column 1, lines 60-66; column 2, lines 26-30).

In re claim 8, Saia discloses the device of claim 3, but does not expressly disclose the resistor comprising NiCr. Linn discloses the interchangeability between SiCr and NiCr and it would have been obvious for one skilled in the art to make a material choice based on similarities of known materials.

*Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chen et al. (U.S. Patent No. 5,625,215) discloses an SRAM cell with balanced load resistors and Horiba (U.S. Patent No. 6,150,228) discloses a multi-level resistor structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jesse A Fenty whose telephone number is 703-308-8137. The examiner can normally be reached on M-F 8-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Lee can be reached on 703-308-1690. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Jesse A Fenty  
Examiner  
Art Unit 2815

JAF   
May 30, 2001



EDDIE LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800